IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE FOURTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT APPEAL NO : 1601 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 02/08/2004 in WP NO. 1762 OF 1997 on the file of the High Court.)

Between:

S.Narsimha, s/o.Karrenna, Mechanic Grade-I, E.No.75877,
R/o.Wanaparthy, Mahabubnagar District.

..... APPELLANT

AND

1 The APSRTC., represented by its Managing Director, Musheerabad, Hyderabad.
2 The Deputy Chief Traffic Manager, APSRTC, Mahabubnagar Region, Mahabubnagar.

.....RESPONDENTS

Counsel for the Appellant: MR.A.K.JAYAPRAKASH RAO

Counsel for the Respondent No.1: MR.V.T.M.PRASAD

Counsel for Respondent No.2: MR.VINAYAKA SWAMY, STANDING COUNSEL.

The Court at the admission stage made the following:

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ORAL ORDER: (per GB.J.)

The Writ Appeal is filed challenging the order passed by the learned single Judge in W.P.No.1762 of 1997, dated 2.8.2004.

2. The matter relates to the promotion of the appellant to the post of Leading Hand. The appellant had undergone Apprentice Training in Mechanic trade in APSRTC. However, when vacancies of Cleaners arose subsequently, he was appointed as Cleaner on 29.6.1978. Thereafter he was promoted to the post of Mechanic Grade-II on 3.1.1980. The grievance of the appellant is that he is entitled to be considered to the post of Leading Hand deeming that he was appointed as Mechanic Grade-II right from the inception as he possessed necessary National Apprenticeship Certificate and therefore preference has to be given to such holders as per the Circular issued by the Corporation on 25.9.1978. Therefore, he filed the above Writ Petition before this Court. The learned single Judge while considering the matter dismissed the said Writ Petition by observing as follows:

> "The petitioner sought for the relief of considering his case for promotion to the post of Leading Hand with retrospective date as against the vacancies of Leading Hand in 6th and 10th vacancies out of 12 vacancies, treating him as a direct recruitee Mechanic Gr.II. The said claim is, admittedly, contrary to the facts of the case of the petitioner. Admittedly, the petitioner was not a direct recruitee Mechanic Gr.II. He was appointed as a cleaner on 29.6.1978 and thereafter the petitioner passed the trade test in the year 1979 and then promoted as Mechanic Gr.II in the year 1980. However, the petitioner claiming that he has possessed the ITI Certificate and also obtained the National Apprenticeship Certificate, and, therefore he is entitled for appointment as a Mechanic Gr.II directly. Therefore, he should be treated as a direct recruitee Mechanic Gr.II., in view of the above qualifications possessed by him. But when the petitioner was originally appointed as a cleaner and later promoted as Mechanic Gr.II, he could not be considered as direct recruitee contrary to the factual aspects, even though, the petitioner possesses the qualification for direct recruitment as Mechanic Gr.II. Therefore, the petitioner is not entitled to claim any further promotion by claiming that he should be treated as direct recruitee Mechanic Gr.II. The claim of the petitioner for promotion

to the post of Leading Hand was considered by the Corporation as per the directions of this Court and negatived the claim on the ground that his case cannot be considered with that of one C.Krishna Reddy, who was said to be a direct recruitee to the post of AC Electrician. In any case, it is not the case of the petitioner that any of his juniors in the post of Mechanic Gr.II is promoted to the post of Leading Hand. In fact, by proceedings dated 10.1.1997, the corporation has informed the petitioner that he has to wait for his turn for promotion to the post of Leading Hand. In that view of the matter, the petitioner is not entitled to any relief except he has to wait for his turn for promotion under Category-A, for promotion, to the post of Leading Hand as against 1,3,4,7,9 and 12, out of 12 vacancies of Leading Hand.

Under the above circumstances, the writ petitioner is not entitled to any relief in the present writ petition, and the same is accordingly dismissed. No costs".

Against the said order, the present Writ Appeal has been filed.

3. The learned counsel for the appellant submits that the order of the learned single Judge is not sustainable inasmuch as similarly situate persons, basing on their technical qualifications or possessing National Apprenticeship Certificates, were promoted to the post of Leading Hand. He further submits that when the case of C.Krishna Reddy has been considered, who was appointed as AC Electrician, the same benefit ought to have been extended to him also. If the Circular issued by the Corporation on 25.9.1978 is implemented in its letter and spirit, he is entitled for the post he claimed.

4. We are afraid we cannot accept the contention of the learned counsel for the appellant. Giving preference to National Apprenticeship Holders is only in respect of direct recruits in Mechanic Grade.II. In the instant case the appellant was initially appointed as Cleaner and thereafter he was promoted as Mechanic Grade.II. In such a situation invoking the directions contained in Circular referred to above do not arise. This aspect was thoroughly considered by the learned single Judge while dismissing the Writ Petition. Thus, we do not find any ground to interfere with the orders of the learned single Judge.

5. Accordingly the Writ Appeal is dismissed. No costs.

G.BIKSHAPATHY, J.

14th February, 2005.

P.S.NARAYANA, J.

SSR

.....REGISTRAR

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SECTION OFFICER

To

1 The Managing Director, APSRTC., Musheerabad,
Hyderabad.
2 The Deputy Chief Traffic Manager, APSRTC, Mahabubnagar Region,
Mahabubnagar.

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